

By the Committees on Community Affairs; and Environment and Natural Resources; and Senator Rodriguez

578-02650-22

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1 A bill to be entitled
2 An act relating to vessel anchoring; amending s.
3 253.0346, F.S.; providing tenancy and lease conditions
4 for approved and permitted mooring and mooring fields
5 in Monroe County; amending s. 327.4108, F.S.;
6 requiring certain anchored vessels in Monroe County to
7 be re-anchored in a new location that meets certain
8 requirements according to a specified timeframe;
9 requiring the Fish and Wildlife Conservation
10 Commission, in consultation with certain entities, to
11 establish designated anchoring areas within the county
12 by rule; providing requirements for the designated
13 anchoring areas; providing an exception for certain
14 domiciled vessels; removing provisions requiring the
15 county to approve a specified number of moorings at
16 specified locations; requiring certain vessels
17 equipped with marine sanitation devices to maintain
18 specified records of such devices; providing
19 construction; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Present subsection (4) of section 253.0346,
24 Florida Statutes, is redesignated as subsection (5), and a new
25 subsection (4) is added to that section, to read:

26 253.0346 Lease of sovereignty submerged lands for marinas,
27 boatyards, mooring fields, and marine retailers.-

28 (4) Notwithstanding any other law, all of the following
29 conditions apply for approved and permitted moorings or mooring

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30 fields in Monroe County:

31 (a) The general tenancy on a mooring may exceed 12 months,
32 if requested, but may not exceed 10 years.

33 (b) A sovereign submerged land or other proprietary lease
34 may not prohibit a vessel from an approved and permitted mooring
35 or mooring field or limit the tenancy of a vessel because an
36 individual has established it as his or her domicile in
37 accordance with s. 222.17 or because the vessel is an
38 individual's primary residence.

39 Section 2. Subsection (3) of section 327.4108, Florida
40 Statutes, is amended to read:

41 327.4108 Anchoring of vessels in anchoring limitation
42 areas.—

43 (3) (a) Monroe County is designated as an anchoring
44 limitation area within which no less than once every a vessel on
45 waters of the state may only be anchored in the same location
46 for a maximum of 90 days each vessel anchored within Monroe
47 County on waters of this state within 10 linear nautical miles
48 of a public mooring field or a designated anchoring area must
49 pull anchor and be moved from its location using the vessel's
50 propulsion system and be re-anchored in a new location. The new
51 location must be:

52 1. No less than one-half linear nautical mile from the
53 vessel's starting location. A vessel may not be re-anchored
54 within one-half linear nautical mile from the vessel's starting
55 location for at least 90 days; or

56 2. In a different designated anchoring area. A vessel may
57 not be re-anchored in its originating designated anchoring area
58 for at least 90 days after anchoring within a new designated

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59 ~~anchoring area. The commission shall adopt rules to implement~~
60 ~~this subsection.~~

61 (b) The commission, in consultation with Monroe County and
62 the Florida Keys National Marine Sanctuary, shall establish by
63 rule designated anchoring areas throughout the county. The
64 designated anchoring areas must:

65 1. Specify a maximum vessel draft for each area;

66 2. Be created only in locations where the water depth is
67 sufficient to allow vessels whose drafts are less than the
68 area's specified maximum vessel draft to navigate into and out
69 of the areas without grounding or stranding;

70 3. Not be located over coral reefs or other sensitive fish
71 or wildlife habitat, to the maximum extent practicable, as
72 determined by the commission;

73 4. Not be located in an area subject to ongoing hazardous
74 water currents or tides or containing navigational hazards; and

75 5. Not be located within navigational channels, setbacks
76 established by the United States Army Corps of Engineers
77 associated with federal channels, areas where anchoring is
78 prohibited pursuant to s. 327.4109, or any other lawfully
79 established areas that prohibit anchoring.

80 (c) Paragraph (a) does ~~The anchoring limitations in this~~
81 ~~subsection do not apply to vessels moored to approved and~~
82 ~~permitted moorings or mooring fields.~~

83 (d)(e) A vessel upon the waters of this state and within
84 Monroe County for which the owner or occupant has established
85 the vessel as a domicile in accordance with s. 222.17 is exempt
86 from paragraph (a) Notwithstanding the commission rules adopted
87 pursuant to this section, this section is not effective for

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88 ~~Monroe County until at least 100 the county approves, permits,~~
89 ~~and opens~~ new moorings are available for public use, ~~including~~
90 ~~at least 250 moorings~~ within 1 mile of the Key West Bight City
91 Dock and ~~at least 50 moorings within the Key West Garrison Bight~~
92 ~~Mooring Field~~. Until such time, the commission shall designate
93 the area within 1 mile of the Key West Bight City Dock as a
94 priority for the investigation and removal of derelict vessels.

95 (e) All of the following vessels within Monroe County on
96 waters of this state which are equipped with a marine sanitation
97 device other than a marine composting toilet that processes and
98 manages human waste using technologies that comply with United
99 States Coast Guard requirements must maintain a record of the
100 date of each pumpout of the marine sanitation device and the
101 location of the pumpout station or waste reception facility for
102 1 year after the date of the pumpout, and the record must
103 indicate that the vessel was pumped out within the last 30 days:

104 1. A vessel that:
105 a. Has enclosed living spaces or rooms; and
106 b. Is used by a person as a dwelling or living space
107 overnight at any time, notwithstanding whether or not the vessel
108 is also used for navigation.

109 2. A vessel moored in a public mooring field.

110 (f) This subsection may not be construed to prohibit
111 anchoring for less than 90 days in areas within Monroe County.

112 Section 3. This act shall take effect July 1, 2022.